IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

LA.App..No. 52 of 2007()

LAR.483/1994 of SUB COURT, MAVELIKKARA

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APPELLANT/RESPONDENT:

STATE OF KERALA,
REP. BY THE DISTRICT COLLECTOR, ALAPPUZHA.

BY GOVERNMENT PLEADER ADV. SHRI L.G. SURESH BABU.

RESPONDENT/CLAIMANT:

P. RAMAN NAIR,
KUNNUPARAMBIL THEKKETHIL, PILAPUZHA MURI,
HARIPAD.

BY

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

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L.A.A. No. 52 OF 2007

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Dated this the 17th January, 2007

J U D G M E N T

This Land Acquisition Appeal arises out of the judgment in L.A.R.No. 483 of 1994 on the file of Sub Court, Mavelikkara. An extent of 2.70 Ares in Sy.No.360/29, 0.68 Ares in Sy. No. 360/28 and 1.35 Ares in Sy. No. 360/30 of Haripad Village were acquired for the purpose of widening and strengthening Haripad- Veeyapuram road . Notification under section 4(1) was issued on 07.02.1991. The land was taken possession on 29.09.1992 and award was passed on 31.12.1992. Compensation was fixed taking into account the land value at the rate of Rs. 9606/- per Are. The court below relied on Ext. A2 judgment in L.A.R.No. 353 of 1993, wherein land value at the rate of Rs. 31,122/- per Are was granted. Ext. A2 land was also acquired for the same purpose under the same notification. It was stated by Aw1 that Ext.A2 land is 150 metres north of the Haripad Townhall junction. Taking into account the

distance between Ext. A2 land and the land involved in L.A.R.No. 483 of 1994, the court below fixed the land value at 90% of the land value fixed in L.A.R.No. 353 of 1993, which works out to Rs. 28,010/- per Are.

2. Challenging the judgment and decree in L.A.R.No. 353 of 1993, the State had filed L.A.A.No. 1555 of 2000 and that appeal was dismissed by a Division Bench of this Court on 25.05.2005. In view of the dismissal of L.A.A.No. 1555 of 2000, this L.A.A. is also liable to be dismissed, since Ext. A2 judgment was confirmed by dismissal of L.A.A.No. 1555 of 2000. L.A.A.No. 1140 of 2005, wherein also the same court relied on the judgment in L.A.R.No. 353 of 1993, was dismissed by me by judgment dated 16.01.2007.

For the aforesaid reasons, it is not necessary to consider the application for condonation of delay of 738 days in filing the appeal. Even if the delay is condoned after issuing notice to the respondent, no useful purpose would be served. Land Acquisition Appeal is therefore dismissed.

K.T. SANKARAN,
JUDGE.

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